

May 30, 2025

LAURA A. AUSTIN, CLERK  
By: /s/ Kendra Campbell  
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

**JEUAN F. WARD,**

Plaintiff,

V.

**JOHN S. AUSTIN, CHIEF OF POLICE  
OF BRISTOL VIRGINIA POLICE  
DEPARTMENT, ET AL.,**

Defendants.

Case No. 1:24CV00060

## OPINION

JUDGE JAMES P. JONES

*Jean F. Ward, Pro Se Plaintiff.*

The plaintiff filed a Complaint against John S. Austin, the Chief of Police of the Bristol Virginia Police Department, Christopher R. Kavanaugh, then U.S. Attorney for the Western District of Virginia, and Merrick B. Garland, then the Attorney General of the United States. Ward alleged that he was wrongfully imprisoned without bond and that his state indictment for selling drugs violated his civil rights. He stated that he was released after being acquitted in a jury trial in state court.

The Court entered an Order requiring Ward to file an Amended Complaint including specific facts that describe how each of the defendants violated his rights and harmed him. Order, ECF No. 3 (Dec. 16, 2024). Ward timely filed an Amended

Complaint, but it does not add sufficient additional facts.<sup>1</sup> Because Ward was acquitted by a jury does not necessarily mean that his prosecution was without cause and he alleges no facts supporting such a claim.

A complaint must contain “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is plausible if the complaint contains “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged,” and if there is “more than a sheer possibility that a defendant has acted unlawfully.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

The facts alleged here do not meet those standards. Although I will grant the plaintiff’s motions to proceed without payment of fees, I will dismiss this action pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). A separate judgment will be entered.

DATED: May 30, 2025

/s/ JAMES P. JONES  
Senior United States District Judge

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<sup>1</sup> The docket contains a new “Complaint” filed on January 10, 2025, which I will treat as the Amended Complaint, and which removes defendants Kavanaugh and Garland but adds Aaron A. Hankins, a Detective, and Kimberly Loucks Mumpower, Chief Deputy Commonwealth Attorney, but adds no additional facts other than Detective Hankins “had me direct indicted” and prosecutor Mumpower “insisted on keeping me in jail with no bond and no evidence.” Am. Compl. 4, ECF No. 4. He adds that Chief Austin “allowed me to sit in jail with no bond and no criminal history.” *Id.*